

REMARKS

The Office Action dated July 30, 2008 has been received and carefully noted. Claims 1-64 are currently pending in the subject application and claims 1-27 are presently under consideration. No claims have been amended.

Favorable reconsideration of the pending claims is respectfully requested in view of the following comments.

I. Rejection of Claims 1-27 Under 35 U.S.C. § 103

Claims 1-6, 8-18 and 20-27 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Publication No. 2003/0113027 filed by Chan *et al.* (hereinafter "Chan ") in view of U.S. Patent Publication No. 2001/0004739 filed by Sekiguchi *et al.* (hereinafter "Sekiguchi"). It is respectfully requested that these rejections be withdrawn for at least the following reasons. Chan in view of Sekiguchi does not teach or suggest each and every element of the claims.

In particular, independent claims 1, 15, and 27 recite: "performing image analysis between the first image and a second image based on the one or more retrieval attributes." The Examiner conceded on page 3 of the Office Action that Chan fails to teach or suggest these cited elements. Further, the Examiner has alleged that Sekiguchi discloses the above cited elements in FIG. 2, elements 1, 5, 7, and 9 (and corresponding paragraph [0079]), noting the "user interface unit for selecting an image (first image) which is desired to be retrieved, from the server 1 which stores images (second image),

via storage 5 and storage 7" (see Office Action mailed July 30, 2008, pg. 3). Applicants respectfully disagree.

First, FIG. 2, elements 9 and 7 of Sekiguchi respectively represent a user interface unit for selecting a desired image based on an attribute list that is defined as "meta data" (i.e., not "a first image") (see Sekiguchi, paragraph [0079]). According to the retrieval conditions defined by the attribute list, the desired image may be retrieved. However, Applicants note that the attribute list as taught by Sekiguchi is in *a text format* (e.g., XML) instead of equivalent to "a first image," as recited in claims 1, 15, and 27. See Sekiguchi, paragraphs [0087] and [0142].

Further, to retrieve of the desired image based on the attribute list, initially, each image is required to be registered in the database. In particular, Sekiguchi teaches that attributes are extracted from an image (i.e., the "desired image") and then attached to the image, and the extracted attributes of the image are stored with the attribute list. See Sekiguchi, paragraph [0084]. Therefore, it should be understood that retrieval of the desired image is simply based upon selected attributes corresponding to the *same desired image* rather than another image (i.e., not "a first image" and "a second image"). Thus, Sekiguchi does not teach the elements of "performing image analysis *between the first image and a second image*" (emphasis added) as recited in claims 1, 15 and 27.

If the Examiner maintains these rejections, Applicants respectfully request that the Examiner clarify which elements of Sekiguchi teach the first image, the second image, and the image analysis *between the first and second image* that is based on the one or more retrieval attributes.

Accordingly, the Examiner has not demonstrated that Chan in view of Sekiguchi teaches or suggests each and every element of independent claims 1, 15, and 27. In addition, each of the dependent claims depend from one of independent claims 1 and 15, thus incorporating the respective limitations thereof. For at least the aforementioned reasons regarding the independent claims, Chan in view of Sekiguchi does not teach or suggest each and every element of the dependent claims. Accordingly, it is respectfully requested that the rejections of claims 1-6, 8-18 and 20-27 be withdrawn.

Claims 7 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chan in view of Sekiguchi further in view of U.S. Patent Publication No. 2006/0077408 filed by Amirghodsi (hereinafter "Amirghodsi").

Dependent claims 7 and 19 depend on independent claim 1 or 15 and incorporate the limitations thereof. Thus, for at least the reasons discussed in connection with base claims 1 and 15, Chan in view of Sekiguchi fails to teach or suggest each element of claims 7 and 19 as well. Further, Amirghodsi fails to teach or suggest the missing elements in base claims 1 and 15. The Examiner has not cited and Applicants are unable to discern the portion of Amirghodsi that allegedly teaches or suggests the missing elements in claims 1 and 15. Thus, Chan in view of Sekiguchi in further view of Amirghodsi fails to teach or suggest each element of dependent claims 7 and 19 because these claims depend on claims 1 or 15. Accordingly, reconsideration and withdrawal of the rejection of claims 7 and 19 are respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (408) 720-8300.

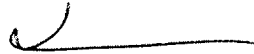
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date:

5/20/08



Michael J. Mallie

Registration No. 36,591